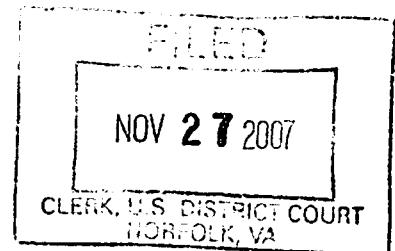


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ALBERT LAVAL WATSON, #229443,

Petitioner,

v.

CIVIL ACTION NO. 2:07cv372

GENE M. JOHNSON, Director of the
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's conviction on March 17, 2005, in the Circuit Court for the City of Chesapeake, Virginia, for (1) count of burglary and one (1) count of robbery. Petitioner was sentenced to serve fifteen (15) years in the Virginia penal system.

The matter was referred to a United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, for report and recommendation. The report of the Magistrate Judge recommending dismissal of the petition was filed on October 23, 2007 ("Magistrate Judge's Report"). By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the

Magistrate Judge. On November 5, 2007, the Court received Petitioner's Objections to the United States Magistrate Judge's Report and Recommendation ("Petitioner's Objections"). The Court received no response from Respondent.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Magistrate Judge's Report,¹ and having made de novo findings with respect to the portions objected to, does hereby ADOPT AND APPROVE the findings and recommendations set forth in the report of the United States Magistrate Judge filed on October 23, 2007, and it is, therefore, ORDERED that the petition be DENIED AND DISMISSED WITH PREJUDICE and that judgment be entered in favor of Respondent. Accordingly, the Court FINDS that all of Petitioner's claims set forth in the petition are DISMISSED as they are procedurally defaulted and are, therefore, barred from this Court's review.

¹Petitioner has "object[ed] to the Magistrate[] [Judge's] sua sponte . . . application of the statute of limitations to defeat [Petitioner's] habeas petition." Petitioner's Objections, at 2. The Court, having reviewed the Magistrate Judge's Report, notes that although the Magistrate Judge did state that the instant federal petition was not timely filed, Magistrate Judge's Report, at 7 n.12 (citing Day v. McDonough, 547 U.S. 198, 126 S. Ct. 1675, 1684 (2006)), the petition was dismissed solely on the basis that the claims were procedurally defaulted. Id. at 15. Therefore, the Court finds that Petitioner's objections as to the application of the statute of limitations are misplaced. The Court notes further that Petitioner's remaining objections largely restate the issues raised in the instant federal habeas petition, which the Court finds to have been adequately addressed by the Magistrate Judge's Report.

Petitioner may appeal from the judgment entered pursuant to this final order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment. Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right." Therefore, the Court, pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure, declines to issue a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to counsel of record for Petitioner and Respondent.



Jerome B. Friedman
UNITED STATES DISTRICT JUDGE
United States District Judge

Norfolk, Virginia

November 27, 2007